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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-826*

13 **SHANNON NOEL HICKSON**  
873 East Coquina Drive  
Dayton, Florida 32117

**A C C U S A T I O N**

14 **Registered Nurse License No. 588581**

15 Respondent.  
16

17  
18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive  
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about October 9, 2001, the Board issued Registered Nurse License Number  
24 588581 to Shannon Noel Hickson ("Respondent"). The Registered Nurse License expired on  
25 January 31, 2009, and has not been renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with Code section 2750) of the  
2 Nursing Practice Act.

3 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
5 period within which the license may be renewed, restored, reissued, or reinstated.

6 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
7 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
8 to render a decision imposing discipline on the license.

### 9 STATUTORY PROVISIONS

10 6. Code section 2761 states, in pertinent part:

11 The board may take disciplinary action against a certified or licensed nurse or  
12 deny an application for a certificate or license for any of the following:

13 (a) Unprofessional conduct, which includes, but is not limited to, the  
14 following:

15 (4) Denial of licensure, revocation, suspension, restriction, or any other  
16 disciplinary action against a health care professional license or certificate by another  
state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action.

### 17 COST RECOVERY

18 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licensee found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
23 included in a stipulated settlement.

### 24 CAUSE FOR DISCIPLINE

#### 25 (Out-of-State Discipline)

26 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),  
27 on the grounds of unprofessional conduct, in that effective April 25, 2011, the State of Florida  
28 Board of Nursing entered a *Final Order* (attached hereto and incorporated herein as **Exhibit A**) in

1 a disciplinary action entitled *Department of Health v. Shannon Noel Hickson*, Case No. 2010-  
2 08412, reprimanded and suspended License No. 3139922, issued to Respondent to practice as a  
3 professional nurse in the State of Florida. The disciplinary action was based on Respondent's  
4 inability to practice nursing with reasonable skill and safety to patients by reason of illness or use  
5 of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental  
6 or physical condition. Specifically, on or about April 16, 2010, while employed as a registered  
7 nurse by Supplemental Health Care, a nursing staffing agency, Respondent was assigned to the  
8 Arnold Palmer Hospital for Children in Orlando, Florida. Respondent reported to work in a  
9 summer dress instead of the required hospital scrubs. She asked coworkers to join her in starting  
10 her day with bible scripture, and started reading bible verses. Coworkers observed that  
11 Respondent was disoriented and her speech slurred; she closed her eyes and would drift off for  
12 one to two minutes. She disrupted nursing care by introducing personal topics while nurses were  
13 conversing with their patients. Her hands shook while administering infusions, she was unable to  
14 use the computer system, did not comprehend spell-check, and could not recall her user  
15 identification and password that was taped to her identification badge. Respondent continued to  
16 exhibit questionable behavior and the hospital terminated her. On or about August 23, 2010,  
17 Respondent underwent a psychiatric evaluation pursuant to the Florida Board of Nursing's *Order*  
18 *to Compel Examination*. Respondent explained during the evaluation that she was simply tired on  
19 April 16, 2010. She denied allegations of inappropriate behavior. Respondent stated that she had a  
20 prescription for Xanax. The examiner concluded that Respondent is unable to safely practice  
21 nursing as the result of a likely substance abuse problem and recommended further evaluation and  
22 treatment. Respondent failed to follow those recommendations.

### 23 PRAYER

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Registered Nursing issue a decision:

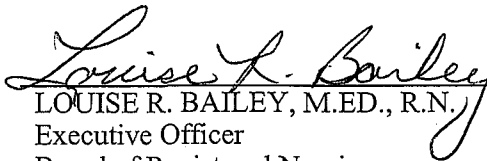
26 1. Revoking or suspending Registered Nurse License Number 588581, issued to  
27 Shannon Noel Hickson;

28 ///

2. Ordering Shannon Noel Hickson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: MARCH 26, 2013

  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
State of California  
*Complainant*

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**EXHIBIT A**

*Final Order, Eff. April 26, 2011*

*Department of Health v. Shannon Noel Hickson, Case No. 2010-08412*

State of Florida Board of Nursing

STATE OF FLORIDA  
BOARD OF NURSING

Final Order No. DOH-11-898-<sup>FOI</sup>-MQA  
FILED DATE - 4.26.11  
Department of Health

By: Sandra Soto

**Deputy Agency Clerk**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2010-08412

License No.: RN 3139922

SHANNON NOEL HICKSON,

Respondent.

**FINAL ORDER**

This matter appeared before the Board of Nursing at a duly-noticed public meeting on April 8, 2011 in Ft. Lauderdale, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Service of the Administrative Complaint was made upon Respondent by certified mail, return receipt requested. Respondent has not filed an Election of Rights. Petitioner has filed a Motion for Determination of Waiver and Entry of Final Order. Petitioner was represented by William Miller, Assistant General Counsel, Florida Department of Health. Respondent was not present.

**FINDINGS OF FACT**

Since the licensee has not replied to the Administrative

Complaint nor contested the factual allegations, the prosecuting attorney offered the investigative file to prove the facts as alleged. The investigative file was received into evidence and the Board finds the uncontested facts adequately support the allegations. Therefore, the Board adopts as its finding of facts, the facts set forth in of the Administrative Complaint.

#### CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 464.018(1)(j), Florida Statutes.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

The license of SHANNON NOEL HICKSON is hereby REPRIMANDED.

The licensee must pay investigative costs of \$2,745.65 within 36 months of the date of this final order. Payment shall be made to the Board of Nursing and mailed to, DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Nursing Compliance Officer. Only cashier's checks or money orders will be accepted.

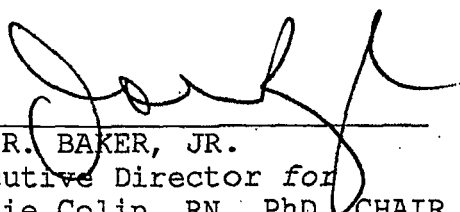
The license of SHANNON NOEL HICKSON is suspended and shall remain suspended until such time that she enters into the Intervention Project for Nurses (IPN) and complies with any and all terms and conditions imposed by IPN. At such time the suspension shall be stayed and remain stayed as long as the

licensee participates in the IPN. It is the duty of the licensee to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32249-9130, (904) 270-1620 within 30 days from the date of entry of this order. The licensee shall comply with all conditions of the IPN Advocacy Contract or she will be in violation of the Board Order. Violation of the IPN Advocacy Contract shall result in the immediate lifting of the stay of suspension. Reinstatement will require compliance with all terms and conditions set forth in any previous Board Order, and the licensee's appearance before the Board to demonstrate her present ability to engage in the safe practice of nursing, which shall include a demonstration of two years of documented continuous sobriety. The Board reserves the right to impose reasonable conditions of reinstatement at the time of appearance before the Board.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 25<sup>th</sup> day of April, 2011.

BOARD OF NURSING

  
\_\_\_\_\_  
JOE R. BAKER, JR.  
Executive Director for  
Jessie Colin, RN, PhD, CHAIR



## **NOTICE OF APPEAL RIGHTS**

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **SHANNON NOEL HICKSON**, 854 Weatherly Court, Longwood, FL 32750 and Jean D'Aprix, IPN P.O. Box 49130, Jacksonville Beach, Florida 32240-9130; by interoffice mail to **Lee Ann Gustafson**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **William Miller**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 on this 26<sup>th</sup> day of April, 2011.

*Sandra Soto*

## Deputy Agency Clerk



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**Case No. 2010-08412**

**v.**

**SHANNON HICKSON, R.N.**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Shannon Hickson, R.N., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Complaint, Respondent was a registered nurse (R.N.) within the state of Florida, having been issued license number RN 3139922.

DOH v. Shannon Hickson, R.N.

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3. Respondent's address of record is 854 Weatherly Court, Longwood, Florida 32750.

4. At all times material, Respondent was employed with Supplemental Health, a nursing staffing agency. Respondent was assigned to work at the Arnold Palmer Hospital for Children in Orlando, Florida.

5. According to Arnold Palmer Hospital employees, on or about April 16, 2010, Respondent reported to the facility wearing a summer dress. The hospital policy is to have nurses wear scrubs while providing patient care.

6. On or about April 16, 2010, Respondent asked the staff to join her so that she could start her day with a bible scripture, and she began reading bible verses to the staff.

7. On or about April 16, 2010, Respondent was observed by her coworkers to be disoriented and had slurred speech. In addition, Respondent began disrupting nursing care, by interrupting conversations between nurses and patients and began discussing personal topics. During the conversations, Respondent was observed

closing her eyes and drifting off for one to two minutes.

8. On or about April 16, 2010, Respondent was observed having shaky hands when administering infusions. Respondent was reported to not be able to use the computer system, could not comprehend spell-check, and could not remember her user id and password, even though it was taped to her identification badge.

9. On or about April 16, 2010, Respondent was observed to become more animated and was seen yelling at the Medical Director of the hospital about why he did not let her make him a cup of coffee. Other physicians in the practice began voicing their concerns about her inappropriate dress and behavior.

10. On or about April 16, 2010, a nurse observed Respondent's purse left in the common area where patients and other nurses could access it. She had left it in the common area right after her lunch break. When the nurse attempted to move the purse to a safe and secure storage area, Respondent began yelling at her about touching her personal belongings.

11. On or about April 16, 2010, the Clinical Coordinator contacted Supplemental Health Care's Orlando office to voice their

concerns about Respondent's behavior and ask if she could submit to a reasonable cause drug screen. Supplemental Health Care employees informed the Clinical Coordinator that since she was hired from the New York branch of the company, she could not be ordered to submit to a drug screen.

12. On or about April 16, 2010, It was reported to Arnold Palmer staff that a coworker observed 2 ½ round, light green pills by Respondent's work station and that she threw them away.

13. On or about April 16, 2010, Arnold Palmer staff was informed that parents of one of the children treated by Respondent asked that she not provide care to their child again. Further, it was reported that she confused patients' parents when discussing patient issues.

14. On or about April 16, 2010, Respondent was confronted about her behavior by Nurse LH, the Nursing Operations Manager at Arnold Palmer Hospital. During the interview, Respondent was observed closing her eyes, having slurred speech, and leaning her head back and appeared to be "zoned out." Further, Nurse LH had to repeat her statements to Respondent a number of times. Respondent

was terminated from Arnold Palmer Hospital for Children.

15. On or about August 23, 2010, and pursuant to an Order to Compel Examination issued by the Department, Respondent was evaluated by Chowallur Dev Chacko, M.D., a medical doctor board-certified In Addiction Psychiatry.

16. During the evaluation, Dr. Chacko discussed with Respondent the allegations made by employees at Arnold Palmer Hospital for Children in Orlando, Florida.

17. During the evaluation, Respondent denied the allegations made by her coworkers who witnessed her concerning behavior on April 16, 2010. Respondent stated that she was tired and denied that her speech was slurred. Respondent denied dressing inappropriately for work and denied calling anyone by a wrong name. She stated that the allegations were made to get rid of her.

18. During the evaluation, Respondent denied taking any of her prescribed medications on April 16, 2010, and denied any illicit drug use.

19. During the evaluation, Respondent admitted being prescribed Xanax to deal with some personal issues.

20. Xanax is the brand name for alprazolam and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of alprazolam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

21. Dr. Chacko indicated that despite Respondent's denials, in all likelihood, Respondent was under the influence of an unknown substance when she reported to work on April 16, 2010. Dr. Chacko stated that he has a high level of suspicion that Respondent has a major problem with prescription drug abuse.

22. Dr. Chacko opined that Respondent is not safe to practice her profession until it is positively proven that she does not have a problem with substance abuse.

23. Dr. Chacko stated that Respondent should undergo a five-day inpatient evaluation for substance abuse to rule out polysubstance dependence for opioids and benzodiazepines. Further, Dr. Chacko recommended that the Respondent seek treatment with

IPN.

24. IPN is the impaired nurses program for the Board of Nursing, designated pursuant to Section 456.076, Florida Statutes. IPN is a program that monitors the evaluation, care, and treatment of impaired nurses. IPN also provides for the exchange of information between treatment providers and the Department for the protection of the public.

25. As of October 1, 2010, Respondent has contacted IPN, but has not been evaluated and/or treated pursuant through an IPN-facilitated contract.

26. Section 464.018(1)(j), Florida Statutes (2010), subjects a licensee to discipline, for being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

27. Respondent's questionable behavior at work, including inappropriate work attire, slurred speech, disorientation, and animated behavior, and failure to follow the recommendations of Dr. Chacko, who opined that the Respondent is not safe to practice



nursing until she undergoes a five-day inpatient evaluation for substance abuse to rule out polysubstance dependence for opioids and benzodiazepines, and seeks out evaluation and treatment with IPN, indicates that Respondent is unable to practice nursing with reasonable skill and safety to patients.

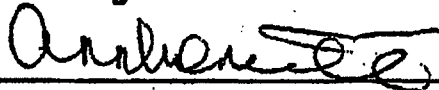
28. Based on the foregoing, Respondent violated Section 464.018(1)(j), Florida Statutes (2010), for being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 9th day of December

2010.

Ana M. Viamonte Rose, M.D., M.P.H.  
State Surgeon General



Anntionette K. Smith  
Assistant General Counsel  
DOH Prosecution Services Unit  
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FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Sandra Soto*  
DATE *12-10-10*

PCP: *12/9/10*  
PCP Members: *12/9/10*  
*B. Kemp*  
*M. Breen*

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### **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

### **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**